

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOS SOUROVELIS, DOILA WELCH,
NORYS HERNANDEZ, and NASSIR GEIGER
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

CITY OF PHILADELPHIA; MICHAEL A.
NUTTER, in his official capacity as Mayor of
Philadelphia; PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE; R. SETH WILLIAMS,
in his official capacity as District Attorney of
Philadelphia; and CHARLES H. RAMSEY, in
his official capacity as Commissioner of the
Philadelphia Police Department,

Defendants.

Civil Action No. 2:14-cv-04687-ER

Assigned to
the Honorable Judge Robreno

Special Management Track

**PLAINTIFFS' UNOPPOSED MOTION TO CERTIFY SETTLEMENT CLASSES AND
GRANT FINAL APPROVAL OF SETTLEMENT OF PLAINTIFFS' FIRST AND
SECOND CLAIMS FOR RELIEF**

Pursuant to Federal Rule of Civil Procedure 23(e) and Local Rule 7.1, Plaintiffs Christos Sourovelis, Doila Welch, Norys Hernandez, and Nassir Geiger (“Named Plaintiffs”) respectfully submit this Unopposed Motion to Certify Settlement Classes and Grant Final Approval of Settlement of Plaintiffs’ First and Second Claims for Relief.

In support of this Motion, and as set forth in more detail in the accompanying Memorandum, Plaintiffs state as follows:

1. Plaintiffs’ First Claim for Relief alleges that Defendants’ policies and practices related to applying for and obtaining *ex parte* “seize and seal” orders violate the Due Process

Clause of the Fourteenth Amendment.¹ *See* Am. Compl., ECF No. 40, ¶¶ 243–47; *see also* Proposed Settlement Agreement for Plaintiffs’ First and Second Claims for Relief (“Proposed Settlement Agreement”) at 2–3.

2. Plaintiffs’ Second Claim for Relief alleges that Defendants’ policies and practices related to conditions imposed by the District Attorney Defendants in agreements to “unseal” real property following execution of a “seize and seal” order or in agreements to withdraw a forfeiture petition against real or personal property violate the Due Process Clause of the Fourteenth Amendment. *See* Am. Compl. ¶¶ 253–265; *see also* Proposed Settlement Agreement at 3–4.

3. In settling Plaintiffs’ First Claim for Relief, the parties proposed the following settlement class: all persons holding legal title to or otherwise having a legal interest in real property against which an *ex parte* “seize and seal” order is presently in effect, or will in the future be in effect. In settling Plaintiffs’ Second Claim for Relief, the parties proposed the following settlement class: all persons holding legal title to or otherwise having a legal interest in real or personal property against which a civil-forfeiture petition has been filed, or will in the future be filed, in the Court of Common Pleas of Philadelphia County and who entered into an unsealing agreement or a settlement agreement. These settlement classes should be certified because they satisfy the prerequisites of Rule 23(a) and Rule 23(b)(2).

4. The parties provided adequate notice of the Proposed Settlement Agreement by publishing notice of the agreement in three websites, Courtroom 478 of Philadelphia’s City Hall, and—in this accord with this Court’s August 28, 2015 order—in both the *Philadelphia Inquirer* and *Philadelphia Daily News*.

¹ The Defendants to the case at bar are the City of Philadelphia, Mayor Michael A. Nutter, Police Commissioner Charles H. Ramsey (collectively, “City Defendants”), and the Philadelphia District Attorney’s Office and District Attorney R. Seth Williams (collectively, “District Attorney Defendants”).

5. The terms of the Proposed Settlement Agreement are fair, reasonable, and adequate under the standard set forth in *Girsh v. Jepson*, 521 F.2d 153, 156 (3d. Cir. 1975).

WHEREFORE, Plaintiffs, by and through their counsel, respectfully request the Court to enter an Order:

A. Certifying the following settlement class for the First Claim for Relief under Federal Rule of Civil Procedure 23(a) and (b)(2):

all persons holding legal title to or otherwise having a legal interest in real property against which an *ex parte* “seize and seal” order is presently in effect, or will in the future be in effect;

B. Appointing Christopher Sourovelis, Norys Hernandez, and Doila Welch as class representatives for Plaintiffs’ First Claim for Relief;

C. Certifying the following settlement class for Plaintiffs’ Second Claim for Relief under Federal Rule of Civil Procedure 23(a) and (b)(2):

all persons holding legal title to or otherwise having a legal interest in real or personal property against which a civil-forfeiture petition has been filed, or will in the future be filed, in the Court of Common Pleas of Philadelphia County and who entered into an unsealing agreement or a settlement agreement;

D. Appointing Christopher Sourovelis, Norys Hernandez, Doila Welch, and Nassir Geiger as class representatives for Plaintiffs’ Second Claim for Relief;

E. Appointing the Institute for Justice as lead class counsel and David Rudovsky as local class counsel for Plaintiffs’ First and Second Claims for Relief under Federal Rule of Civil Procedure 23(g);

F. Granting final approval for the Proposed Settlement Agreement for Plaintiffs’ First and Second Claims for Relief (the “Proposed Settlement Agreement”); and

G. Retaining jurisdiction over the Plaintiffs' First and Second Claims for Relief for a term of eighteen (18) months from the date of final approval, with the ability to extend the term of jurisdiction based on a finding of substantial noncompliance.

Dated: October 30, 2015

Respectfully submitted,

INSTITUTE FOR JUSTICE

By: /s/ Darpana M. Sheth

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**Admitted Pro Hac Vice*

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CERTIFICATE OF UNCONTESTED MOTION

I hereby certify that Counsel for all parties consent to the foregoing motion and requested relief.

/s/Darpana M. Sheth
Darpana M. Sheth
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Darpana Sheth, hereby certify that, on this 30th day of October, 2015, true and correct copies of Plaintiffs' Unopposed Motion Seeking Final Approval of a Class Action Settlement of Plaintiffs' First and Second Claims for Relief and accompanying attachments were electronically filed using the Court's ECF system and sent via the ECF electronic notification system to the following counsels of record:

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/s/ Darpana M. Sheth
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